

Almodovar v. Guevara, et al.
Case No. 18 CV 2341

Negron v. Guevara, et al.
Case No. 18 CV 2701

EXHIBIT B

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:
3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION
5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
7 PLAINTIFF,)
8) No. 94 CR 24318-01
9 vs.)
10 ROBERTO ALMODOVAR,)
11)
12 DEFENDANT.)
13
14 REPORT OF PROCEEDINGS had in the above-entitled
15 cause before the Honorable JAMES LYNN, Judge of said
16 court, Criminal Division, on the 2nd day of November,
17 2015.
18
19 APPEARANCES:
20 HONORABLE ANITA M. ALVAREZ,
21 State's Attorney,
22 BY: MS. CELESTE STACK,
23 MR. KURT SMITKO,
24 Assistant State's Attorneys,
 Appeared on behalf of the People;
 MS. JENNIFER BONJEAN,
 Appeared on behalf of the Defendant,
 MR. ROBERTO ALMODOVAR.

Peggy Craddieth, CSR, RPR
Official Court Reporter
084-004175
773-674-8489

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1 THE COURT: All right. Court is back in session.
2 Thank you for you patience. People vs. Negrón and
3 Almodovar. Everybody -- lawyers, please identify
4 yourselves.

5 MR. AINSWORTH: Good afternoon, Judge. Russell
6 Ainsworth, A-i-n-s-w-o-r-t-h, from the Exoneration
7 Project on behalf of Mr. Negrón.

8 MS. BONJEAN: Jennifer Bonjean, B-o-n-j-e-a-n, of
9 the Bonjean Law firm, on behalf of Petitioner, Roberto
10 Almodovar.

11 MS. STACKS: Good afternoon, your Honor. Celeste
12 Stack, C-e-l-e-s-t-e, S-t-a-c-k, on behalf of the
13 People.

14 MR. SMITKO: Kurt Smitko, Assistant State's
15 Attorney.

16 THE COURT: Okay. Mr. Almodovar, I do not see
17 him here.

18 MS. BONJEAN: Mr. Almodovar is not being writted
19 in. We waive his appearance for today.

20 THE COURT: Okay. He's got some medical issues
21 going on is that the reason?

22 MS. BONJEAN: Yes, he's had medical issues which
23 he's had for a while.

24 THE COURT: Is that like a bulging disk or

1 something like that.

2 MS. BONJEAN: Something of that nature.

3 THE COURT: But he could have come here, but he
4 chose not to because it's painful to ride in a car and
5 you're waiving his appearance, correct?

6 MS. BONJEAN: Correct.

7 THE COURT: Okay. All right. We're still in the
8 evidentiary stage here. You may call your next
9 witness.

10 MS. STACK: Before we move on, on the matter of
11 writs on the next hearing date do you want Mr. Negron
12 writted up or do you want him to be allowed to stay?

13 MR. AINSWORTH: I would like him here.

14 MS. STACK: Okay. I thought you wanted --
15 whatever. I just want to make --

16 THE COURT: Okay.

17 MR. AINSWORTH: I want him writted in.

18 MS. STACK: Okay. We just wanted to make that
19 clear. Thank you, Judge.

20 MS. BONJEAN: And Judge just for the record,
21 yesterday I know on Monday Mr. Ainsworth argued on the
22 evidentiary issue before the Court related to a witness
23 that's going to be testifying here today. For the
24 record I adopt and join in Mr. Ainsworth's objections

1 and arguments.

2 THE COURT: All right. That's noted and I was
3 under the impression that he was arguing for you too.
4 Very well. Call the witness.

5 (Witness sworn.)

6 JACQUELINE GRANDE PALEN,
7 called as a witness on behalf of the People of the State of
8 Illinois, having been duly sworn, was examined and testified as
9 follows:

10 DIRECT EXAMINATION

11 BY MS. STACK:

12 THE COURT: Please, have a seat, you got to keep
13 your voice up. Ms. Stack, you may inquire of the
14 witness.

15 MS. STACK:

16 Q Can you state your full name for us and
17 could you spell your first name for the court reporter?

18 A Jacqueline Grande Palen,
19 J-a-c-q-u-e-l-i-n-e.

20 Q And Palen is P-a-l-e-n?

21 A P-a-l-e-n.

22 Q Okay. And on September 1st of 1994 were
23 you living in Chicago, Illinois?

24 A Yes.

1 Q And about how old were you on that date?
2 A Twenty-one.
3 MS. STACK: Twenty-one. And Judge can I check
4 where the microphone is because she --
5 THE WITNESS: Where is it?
6 THE COURT: The little metal piece right there.
7 THE WITNESS: Okay.
8 MS. STACK:
9 Q And September 1, 1994 were you with three
10 friends of yours when a crime occurred?
11 A Yes, I was.
12 Q Can you give list the name of the people
13 you were with that night that you were socializing
14 with?
15 A I was with my best friend.
16 Q And what was your best friend's name?
17 A Amy Ferkes
18 Q And that's F-e-r-k-e-s?
19 A Correct.
20 Q And who were the other two people you were
21 with?
22 A Kennelly.
23 Q And that's Kennelly Saez?
24 A Correct.

1 Q And that's K-e-n-n-e-l-l-y, last name
2 S-a-e-z, correct?

3 A Correct.

4 Q And whose the fourth person that you were
5 with?

6 A Jorge.

7 Q And Jorge's last name?

8 A Rodriguez.

9 Q Rodriguez. And when the four of you were
10 socializing that night, was it at approximately 3920
11 West Courtland?

12 A Correct.

13 Q And who lives at that address, if anybody?

14 A Kennelly.

15 Q Kennelly. And on that date, at that place,
16 and with those people ultimately was there a crime
17 where two of friends that you just listed were
18 murdered?

19 A Correct.

20 MS. STACK: And that was in the drive-by
21 shooting.

22 MS. BONJEAN: Objection. Judge, I'm going to
23 object to the leading.

24 THE COURT: Objection sustained. Try not to lead

1 the witness.

2 MS. STACK

3 Q Okay. Did you -- so two of your friends
4 died, correct?

5 A Correct.

6 MS. STACK: And were two people arrested for the
7 shooting that resulted in their deaths?

8 MS. BONJEAN: Objection.

9 THE COURT: Overruled.

10 THE WITNESS: Yes.

11 MS. STACK: And did you identify the people that
12 you saw shooting your friends?

13 MS. BONJEAN: Objection. Foundation.

14 THE COURT: Well, she's going to lay the
15 foundation. First we got to get a yes or no.
16 Overruled at this point. Go ahead.

17 THE WITNESS: Yes.

18 MS. STACK:

19 Q And can you briefly -- Strike that. And
20 did you ultimately testify in the court of law under
21 oath about the events at that night?

22 A Yes, I did.

23 MS. STACK: And could you name the two people
24 that you identified to the police as being the shooters

1 that evening?

2 MS. BONJEAN: Objection to this testimony, Judge.
3 It's a prior consistent testimony, the testimony speaks
4 for itself.

5 THE COURT: Overruled.

6 MS. STACK: Judge, there is foundation --

7 THE COURT: Objection is overruled. Go ahead.

8 MS. STACK:

9 Q Please name the two people that were
10 charged with these two shooting deaths?

11 A I just know their last names Almodovar and
12 Negron.

13 Q And after you testified at trial were these
14 men both convicted of those murders of Amy and Jorge?

15 A Yes.

16 Q Now, that was approximately 22 years ago
17 that those murders occurred?

18 A Yes.

19 Q During the time that the case was being
20 investigated by the Chicago Police Department, did you
21 -- did any police officer ever tell you who to pick out
22 of a photo array?

23 A No.

24 Q Did Ray Rivera suggest to you who to pick

1 out of the photo array?

2 A No.

3 Q Did Ray Rivera suggest to you who to pick
4 out of a lineup?

5 A No.

6 Q Did any other police officers suggest to
7 you who to pick out of the lineup?

8 A No.

9 Q Do you remember how you got to the Chicago
10 Police Department to observe the lineup?

11 A Detective Rivera picked me up from my
12 house.

13 Q Okay. And did you go from your house alone
14 with Detective Rivera?

15 A No, my brother was with me.

16 Q And what was your brother's name?

17 A Ronald.

18 Q Is Ronald still with us?

19 A No.

20 Q And did you go directly from your house to
21 the police station with your brother and Ray Rivera
22 driving?

23 A No.

24 Q We went to pick up Kennelly.

1 A Kennelly Saez?

2 A Yes.

3 Q And did you -- will you describe to the
4 Court what happened when you stopped at Kennelly Saez's
5 door?

6 A We stopped there and he was looking out of
7 the window.

8 Q And who was looking out the window?

9 A Kennelly.

10 Q What happened next?

11 A Came down and got in the car and we left.

12 Q Did Ray Rivera get out of the car that you
13 all were in and go up to Kennelly Saez's front door?

14 A No.

15 Q At any time that day before the lineup
16 occurred, did you see anyone showing photographs to
17 Kennelly Saez?

18 A No.

19 Q Did anybody show you photographs before you
20 saw the lineup?

21 A No.

22 Q Did you see Ray Rivera show photos to
23 Kennelly Saez?

24 A No.

1 Q During the your contact with various police
2 officers during the investigation of these crimes, did
3 any police officer coerce you in any manner to
4 identify any suspect?

5 A No.

6 Q Did Ray Rivera coerce you to identify any
7 suspect?

8 A No.

9 Q Did Ray Rivera harass you in any way?

10 A No.

11 Q Did Ray Rivera do anything improper in your
12 opinion with you during the investigation?

13 A No, he did not.

14 Q And did you ever see Ray Rivera interacting
15 with Kennelly Saez in a manner that was coercing or
16 harassing?

17 A No.

18 Q Or improper?

19 A No.

20 Q Now, it has been 22 years and the two men
21 that you saw shooting at your friends on September 1,
22 1994, do you see any of them in court today?

23 A Yes.

24 Q And can you describe what he's wearing and

1 point in his general direction, please?

2 A He's wearing a white shirt.

3 THE COURT: She's identifying the Petitioner,
4 William Negrón.

5 MR. AINSWORTH: She hasn't identified who?

6 THE COURT: I only see one person in a white
7 shirt.

8 MR. AINSWORTH: I know but she hasn't identified
9 which one of the defendants.

10 THE COURT: I know because there's only one here.

11 MR. AINSWORTH: So, please, don't identify the
12 defendant.

13 THE COURT: All right. I have to make the
14 record. I understand your concern. But I don't know
15 how to make the record except truthfully --

16 MS. BONJEAN: Judge, let her testify first.

17 THE COURT: Thank you. Go ahead.

18 MS. STACK:

19 Q Do you know the name of the defendant
20 that's sitting in the courtroom?

21 A Yes, I do.

22 Q The record will reflect the witness is
23 nodding, and said, yes, I do. And what is his name,
24 last name?

1 A Negron.

2 Q Negron. And so 22 years has passed and
3 during those years have you been approached by agents
4 of Almodovar and Negron?

5 A Yes, I have.

6 MS. STACK: And --

7 MS. BONJEAN: Judge, I'm going to object. Ms.
8 Stack has posed leading questions during the entire
9 examination, and I'm going to continue to object to the
10 leading nature.

11 THE COURT: Well, if I thought that she was doing
12 something that was suggesting answers that weren't
13 going to be given otherwise, then I would stop it, but
14 right now I think we're in preliminary matters. Go
15 ahead. Overruled at this point.

16 MS. STACK:

17 Q Can you give us an estimate of and say the
18 last five years how many times have you been approached
19 by agents of these two defendants?

20 A Probably, I would say probably about four
21 times.

22 Q And you live out of state, correct?

23 A Yes, I do.

24 Q And have you lived there for this five

1 years?

2 A Yes.

3 Q So these people have come to your
4 residence?

5 A Yes, they have.

6 MS. BONJEAN: Objection to foundation of these
7 people.

8 THE COURT: She said agents of the defendants is
9 how she described them.

10 MS. BONJEAN: And I'd ask for some foundation.

11 THE COURT: And you're going to be allowed
12 to examine her also. I assure you. Go ahead.

13 MS. STACK:

14 Q As you sit here -- so when was the last
15 time that you were approached by someone that was
16 working for Negrón or Almodovar?

17 A Probably, about a year ago or so.

18 Q Okay. And can you give us some foundation
19 of where did that contact occur?

20 A At my house.

21 Q And how did that contact come about, how
22 did you come to speak to this person?

23 A They came looking for me and spoke to my
24 husband, and this lady told my husband that she was an

1 old friend of mine, that she wanted to see me.

2 Q And what happened after that?

3 A My husband told me and he told this person
4 to come back the next day. And they came back the next
5 day and I came out, and I didn't recognize the person,
6 obviously, I didn't know this person.

7 Q So the person who said they were an old
8 friend of yours was a stranger to you?

9 A Yes.

10 Q And what did you do when you saw it was not
11 an old friend knocking at your door?

12 A I came out and she said Jackie, and I said
13 yes, and she started off telling me how sensitive this
14 case is and that she knows that I probably don't want
15 to speak about this, and right there and then I knew
16 what they were talking about, and I didn't want to
17 speak to them.

18 MS. STACK: And why didn't you want to speak to
19 them?

20 MR. AINSWORTH: Objection. Relevance.

21 THE COURT: Overruled.

22 THE WITNESS: I don't want speak to anyone about
23 this case.

24 MS. STACK:

1 Q Did you want to come here today?

2 A No, I don't want to be here.

3 MS. STACK: And why I know it's obvious, but why
4 are you so upset about it?

5 MR. AINSWORTH: Objection. Relevance, Judge.

6 THE COURT: Overruled.

7 MR. AINSWORTH: This is not a subject of what the
8 hearing is about.

9 MS. BONJEAN: Objection.

10 THE COURT: Objection overruled. Anything that
11 goes to the interest, motive, and bias of the witness
12 is admissible. Have a seat, please.

13 MS. STACK: I'll ask another question.

14 Q Over the last -- Strike that. So the
15 person that came in the last year that you just
16 described to speak to you, you didn't want to talk to
17 him because it was upsetting, correct?

18 A Right.

19 Q And the question that I have for you today
20 is as you sit here 22 years after the fact and knowing
21 that people are asking you questions about this case
22 still, do you have any doubts about the gentleman that
23 you picked out back in September 1994?

24 A No, I don't.

1 Q And did you get a good look at their faces
2 that night?

3 A Yes, I did.

4 MS. STACK: Have you --

5 THE COURT: Let me just point out sua sponte
6 that's okay, but the reason is I understand that the
7 Appellate Court actually wanted this hearing held was
8 not an attack on Ms. Grande necessarily, but attack on
9 the police and the identification procedures that are
10 at question now so that's what we're focusing on.

11 MS. STACK: Right.

12 Q So Ms. Grande as Judge Lynn pointed out and
13 as I've told you this inquiry was about the alleged
14 improprieties of Detective Rivera, is there anything
15 about Detective Rivera's actions that caused you to
16 doubt the identifications that you made?

17 A I don't understand the question.

18 Q Did Detective Rivera do anything that
19 causes you to rethink the identifications you made?

20 A No.

21 Q And I asked if you wanted -- you did not
22 want to come here today, but did we pay for your
23 ticket?

24 A Yes.

1 Q And we paid for your husband to fly with
2 you as well?

3 A Yes.

4 Q And did we pay for anything else?

5 A And my son to fly.

6 Q Okay. And but you're not staying at a
7 hotel that we paid for or anything like that?

8 A No.

9 MS. STACK: I have nothing further.

10 THE COURT: Cross.

11 CROSS-EXAMINATION

12 BY MS. BONJEAN:

13 MS. BONJEAN:

14 Q Ms. Grande, I'd like to take you back to
15 September 1st of 1994 at approximately 12:45 a.m.,
16 okay?

17 A Okay.

18 Q You were at 3920 West Courtland Avenue,
19 right?

20 A Correct.

21 Q You were visiting your friend Amy and her
22 boyfriend, Kennelly Saez, correct?

23 A I was with Amy visiting Kennelly.

24 Q And you and Amy took the bus over to Mr.

1 Saez's apartment, correct?

2 A Yes.

3 Q And he lived in a multi-unit apartment
4 building, isn't that right?

5 A Yes.

6 Q And, in fact, it had three main doors, is
7 that fair to say? Three doors that were main doors to
8 the apartment building?

9 A I don't recall that.

10 Q Okay. And when you got there at 3920 West
11 Courtland aside from Mr. Saez Jorge Rodriguez was there
12 as well, correct?

13 A Yes.

14 Q And on this in the early morning hours you
15 were convened in front of the apartment building,
16 right?

17 A Uh-huh.

18 Q Is that correct?

19 A Yes.

20 Q And you were sitting on the stoop, is this
21 correct?

22 A Yes.

23 Q Okay. And Courtland was a two-way-street,
24 right?

1 A Yes.

2 Q Traffic went east, traffic went west,
3 right?

4 A As I recall.

5 Q And, in fact, there is also parking on both
6 sides of the street as well, correct?

7 A Yes.

8 Q And now explain to me in front of the
9 building at 3920, were there any steps leading to the
10 entranceway into the building, or was just the entrance
11 to the doorway that went directly from the sidewalk
12 into the apartment building?

13 A There's just a stoop that we were sitting
14 on to the door.

15 Q Okay. And did the stoop have steps?

16 A Just that one.

17 Q Just one. Okay. So it was one step off
18 ground level, is that are fair to say?

19 A Yes.

20 Q And you were sitting on that stoop,
21 correct?

22 A As I recall, yes.

23 Q And do you remember how far that stoop that
24 you were sitting on was from the street?

1 A I don't remember.

2 Q Okay. But you would agree that there were
3 cars parked on the street, correct?

4 A Yes.

5 Q And you were sitting down and you were
6 speaking to Kennelly Saez, isn't that correct?

7 A We were all talking.

8 Q Correct. But he was standing in front of
9 you though, right?

10 A As far as I remember, yes.

11 Q And he was standing and you were sitting,
12 that's fair, correct?

13 A Correct.

14 Q And at some point you saw a blue car drive
15 down the street, the opposite side of the street, isn't
16 that correct?

17 A Yes.

18 Q And then it turned around and came back?

19 A Yes.

20 Q And it went into an alley, is that right?

21 A Yes.

22 Q And then it backed out of that alley and
23 pulled in front of the building in which you were
24 sitting at, correct?

1 A Yes.

2 Q And you testified that you saw three people
3 in that car, correct?

4 A Uh-huh, yes.

5 Q And at some point Kennelly Saez went and
6 approached that car and someone from the rear started
7 shooting, isn't that right?

8 A Yes.

9 Q Okay. Can you describe were there
10 streetlights there?

11 A As far as I remember, yes.

12 Q Okay. Do you remember how many
13 streetlights?

14 A No.

15 Q Okay. And what about was there any lights
16 in front of the building?

17 A Above us.

18 Q Above us, was there an overhang?

19 A As far as I remember there were lights
20 right by the door.

21 Q There was an overhead lighting right by the
22 door, is that correct?

23 A I believe so.

24 Q Right, there weren't any lights like lawn

1 lights or anything of that nature, right?

2 A I don't remember.

3 Q Was there a lawn in front of the house?

4 A Was there a what?

5 Q A lawn, a lawn, grass, anything of that

6 nature?

7 A I don't remember.

8 Q You don't remember?

9 A No.

10 Q Okay. And when the shots fired you ran

11 into the building with Jorge and Amy, isn't that right?

12 A Yes.

13 Q Okay. And you ended up running up to or

14 somehow making your way up to the third floor apartment

15 of the building, correct?

16 A Yes.

17 Q And when the police arrived or hospital --

18 or medical personnel you were immediately taken to

19 Mount Sinai Hospital, correct?

20 A Yes.

21 Q And that's where you were admitted and

22 received treatment?

23 A Yes.

24 Q Now, at Mount Sinai Hospital a couple of

1 officers came to see you, do you remember that?

2 A Yes.

3 Q Two officers, do you remember what the
4 ethnicity was of those officers?

5 A No.

6 Q And the officers that came to see you they
7 talked to you, right?

8 A Yes.

9 Q Okay. And they showed you some photos,
10 correct?

11 A I don't remember.

12 Q You don't remember being shown any photos
13 while you were at the hospital?

14 A I don't remember.

15 Q Okay. Well, you do remember giving
16 testimony multiple times in this matter, right?

17 And when I say this matter I mean this
18 whole criminal proceeding that has been going on for
19 all these years you remember giving testimony on a
20 number of occasions, correct?

21 A Yes.

22 Q And on one occasion before the trial you
23 gave testimony, isn't that right, at what we call a
24 pretrial hearing or a Motion to suppress or does that

1 ring a bell, do you remember doing that?

2 A What?

3 Q Do you remember giving testimony prior to
4 the trial in a courtroom may be something like this
5 about what happened that evening?

6 A I don't remember.

7 THE COURT: May I make inquiry how many times has
8 she testified prior to today to your knowledge?

9 MS. BONJEAN: Three.

10 THE COURT: Okay. It's a mere suggestion if you
11 would talk to her about the first time, the second
12 time, the third time, that may be helpful to her to jog
13 her memory.

14 MS. BONJEAN: Okay.

15 Q Okay. Do you remember giving testimony in
16 this matter under oath like in a witness stand like you
17 are the first time?

18 A No, I don't remember.

19 Q Okay. Would this prompt your memory that
20 in approximately -- I will give you the date, on June
21 8, 1995, you gave testimony at a pretrial hearing in
22 this matter?

23 A I don't remember.

24 Q Okay. And you remember -- you do remember

1 at various points being in a witness stand being asked
2 questions and giving answers, correct?

3 A Yes.

4 Q Much like you are doing here today, isn't
5 that right?

6 A Correct.

7 Q And you took an oath on all of those
8 occasions, correct?

9 A On the one trial I did, yes.

10 Q All right. Well, you swore to tell the
11 truth at the time you gave testimony in court, I
12 assume, correct?

13 A Yes.

14 MS. BONJEAN: Okay. And do you remember being
15 asked these questions and giving these answers?
16 Counsel I'll draw your attention to Page 22 of the
17 hearing, pretrial hearing.

18 Question: Did these two police officers
19 tell you that they wanted you to look at photographs?

20 Answer: No.

21 Question: Did they show you photographs?

22 Answer: It was yeah, but I couldn't
23 identify none of the guys.

24 Question: Okay. How many photographs were

1 you shown?

2 Answer: About six, four to six.

3 MS. STACK: Objection, Judge, that's not

4 impeaching.

5 THE COURT: Well, let her finish.

6 MS. BONJEAN: Okay.

7 Question: I'm sorry?

8 Answer: Four to six.

9 Question: Okay. And which officers showed

10 you the photographs?

11 Answer: I don't remember which one.

12 MS. BONJEAN: Do you remember giving that

13 testimony and answering those questions?

14 MS. STACK: Objection, Judge.

15 THE COURT: Well, it's not necessarily

16 impeaching, but she can ask the question.

17 MS. BONJEAN: I didn't say that it was

18 impeaching. She said she didn't remember so --

19 THE COURT: It's all right. You can ask the

20 question.

21 MS. BONJEAN:

22 Q Okay. Did that refresh your recollection

23 about being shown photographs while you were in the

24 hospital?

1 A I don't remember.

2 Q Okay. So as you sit here today you don't
3 remember being shown any photographs while you were in
4 the hospital?

5 A I remember the detectives visiting me. I
6 was emotional I had just lost my best friend.

7 Q Yes. We understand that and we all know
8 that, that's why we're here today. But that's besides
9 the point at the moment.

10 What I'm asking you is do you remember
11 being asked to look at photographs while you were at
12 the hospital?

13 A No, I don't.

14 Q Okay. And can I assume that you can't
15 recall whether or not Mr. Negron or Mr. Almodovar were
16 depicted in any of these photographs as well?

17 A I know their faces because I remember them
18 clearly.

19 Q Okay. But I'm asking you a different
20 question. I'm asking you a different question. Do you
21 remember whether or not any of those photographs
22 depicted Mr. Almodovar or Mr. Negron that you looked at
23 while you were at the hospital on September 1, 1994?

24 A I saw photographs quite a few times, and I

1 know who I picked from there.

2 Q Okay. So you saw photographs quite a few
3 times, right?

4 A Yes.

5 Q Okay. And do you remember being shown
6 pictures of Mr. Negron and Mr. Almodovar when you were
7 in the hospital?

8 A With other people.

9 Q With other people?

10 A If they showed me, yes.

11 Q So you do remember seeing a picture of Mr.
12 Negron and Mr. Almodovar while you were in the
13 hospital?

14 A I don't remember if it was in the hospital,
15 or at the police station, or somewhere, I don't
16 remember.

17 Q Okay. You just know that you looked at
18 photographs at the hospital, and you don't know who was
19 is those photographs?

20 A I don't remember if I looked at photographs
21 in the hospital or not. I may have or I may not.

22 MS. BONJEAN: You remember testifying to that,
23 correct?

24 MR. AINSWORTH: Objection, your Honor.

1 THE COURT: She can answer if she remembers it or
2 not.

3 MS. STACK:

4 Q Do you remember testifying to that
5 previously?

6 A I don't remember.

7 Q Okay. Now, there came a point when you
8 were released from the hospital, correct?

9 A Correct.

10 Q About three days later is that what your
11 recollection is, three or four days, something like
12 that?

13 A I don't remember.

14 Q You don't remember that either?

15 A I don't remember when I left the hospital.

16 Q All right. You do remember going back to
17 your home after you were discharged from the hospital
18 though, correct?

19 A I went home.

20 Q All right. And do you remember a Detective
21 Rivera coming to your home?

22 A At some point.

23 Q Okay. You do remember him coming to your
24 home though, right?

1 A Uh-huh.

2 Q Do you remember him coming and sitting on
3 your sofa with you?

4 A I remember who?

5 Q Detective Rivera coming to your home and
6 sitting on your sofa with you?

7 A Yes.

8 Q Do you remember that being September 5th?

9 A I don't remember the date.

10 Q Okay. But it was shortly after you got out
11 of the hospital, right?

12 A Yes.

13 Q Do you know whether Detective Rivera was
14 one of those officer's that came to the hospital to
15 visit you?

16 A I don't know.

17 Q Do you know whether the first time you saw
18 Detective Rivera was in your apartment after you were
19 discharged from the hospital?

20 A I believe he came to my house.

21 Q And that was the first time that you saw
22 him or met him?

23 A I believe so.

24 Q Okay. But it's possible that he came to

1 the hospital, or you just don't have a recollection of
2 him visiting you?

3 A I don't have a recollection.

4 Q All right. But you do remember him coming
5 to your house, and do you remember him bringing a
6 series of photographs to your house?

7 A Yes.

8 Q Do you remember how many photographs he
9 brought?

10 A No.

11 Q Do you remember he brought 12 photographs?

12 A No.

13 Q Six of them with people that had short hair
14 and six of them that had people with long hair in them?

15 A I don't remember.

16 Q Okay. Okay. You do remember giving
17 testimony at a trial in this case, right?

18 A Yes.

19 Q Okay. And that was in November of 1995
20 that you testified at a trial that resulted in Mr.
21 Negron and Mr. Almodovar's convictions, correct?

22 A I believe so, yes.

23 Q All right. And you remember again taking
24 an oath and testifying, correct?

1 A Yes.

2 MS. BONJEAN: And do you remember being asked
3 these questions and giving these answers. Counsel, 57
4 of the testimony.

5 Question: And after you got home, drawing
6 your attention to September 5, 1995 -- I'm sorry 1994,
7 did a detective come do your house and did you discuss
8 the case?

9 Answer: Yes, he, the Detective Rivera,
10 gave me a call sometime that day and told me that he
11 would be dropping by my house because --

12 Question: But when he came to your house
13 did Detective Rivera show you anything?

14 Answer: Yes.

15 Question: Tell the jury what he showed
16 you?

17 Answer: He showed me -- he came in, he
18 said that he had some photos that he wanted me to see,
19 and he had six long haired guys and six short haired
20 guys. So there were 12 photos in total that he showed
21 me, and he asked me to look and see if I could identify
22 someone.

23 Question: Did you look through the 12
24 photos Detective Rivera brought to your home?

1 Answer: Yes, I did.

2 Question: Did you recognize anybody in the
3 photographs?

4 Answer: Yes, I did.

5 Q Do you remember being asked those questions
6 and giving that testimony at trial?

7 A I don't remember a lot of things about this
8 case, I don't. I'm 42 years old. I've put this case
9 in my heart.

10 I don't remember a lot of things from this
11 case. I do remember the shooting night and I see faces
12 here that resemble the people that shot us and I don't
13 want to be here.

14 MS. BONJEAN: I understand and people don't want
15 to be incarcerated either for crimes that they didn't
16 do.

17 THE COURT: All right. All right. Just ask the
18 question.

19 MS. BONJEAN:

20 Q Mrs. Grande, now when you spoke to the
21 police officers at the hospital, isn't it true that you
22 gave a description of the offender to the best of your
23 ability?

24 A I don't remember.

1 Q You don't remember saying to yourself, oh,
2 I'm going to give them a description that's not true,
3 right?

4 A No.

5 MR. AINSWORTH: Objection.

6 THE COURT: Sustained to that question.

7 MRS. BONJEAN: Okay. You told the officers at
8 the hospital that the car contained three people
9 remember that?

10 MS. STACK: Objection. Asked and answered.

11 THE COURT: No, she can answer that.

12 MS. BONJEAN: Correct?

13 THE WITNESS: Go ahead and repeat it again.

14 MS. BONJEAN:

15 Q You told the officers at the hospital that
16 the car that you saw contained three individuals,
17 right?

18 A I don't remember the hospital visits. I
19 don't remember where they showed me the pictures, I
20 just don't remember very much.

21 Q Okay. Well, you told the officers at the
22 hospital that they were three white male Hispanics,
23 correct?

24 A I don't recall that.

1 MS. BONJEAN: Okay. You told the officers at the
2 hospital that the driver was tall, and skinny, light
3 complexion with dark hair?

4 MS. STACK: Judge, objection. She testified she
5 doesn't remember.

6 THE COURT: Well, she can ask these questions.
7 Sorry. Overruled.

8 THE WITNESS: He looks like him sitting over
9 there.

10 MS. BONJEAN:

11 Q Like him? Who, which one, which one does
12 he look like?

13 A The guy in the blue shirt.

14 MS. BONJEAN: The blue shirt right here, looks
15 like him?

16 The COURT: Indicating some person out in the
17 gallery. Ask another question.

18 MS. BONJEAN:

19 Q The driver looks a little bit like the man
20 in the blue shirt right here, right?

21 A Kind of. He had a long skinny face.

22 Q Okay. Ma'am, I'm asking you --

23 A Kind of like a horse.

24 THE COURT: Wait for a question, please.

1 MS. BONJEAN: Ma'am, now you're saying he looks
2 like a horse, but you never told the officers at the
3 police station that any of the individuals in the car
4 had a horsey face, right?

5 MS. STACK: Objection, Judge.

6 MS. BONJEAN: Oh, you will be proving it up,
7 Judge, --

8 THE COURT: Slow down, slow down, please, slow
9 down --

10 MS. BONJEAN: And I will lay a foundation.

11 THE COURT: Slow down. The objection is
12 overruled.

13 MS. BONJEAN:

14 Q Isn't that correct, ma'am?

15 A I believe I did.

16 Q Okay. Your recollection is that you told
17 them that, is that right?

18 A Yes.

19 Q All right. Now, I just want this record to
20 be clear, you told the officers at the hospital that
21 the driver was tall, skinny, light complexion with dark
22 hair, do you remember saying that?

23 A I don't remember.

24 Q Okay. Do you remember telling the officers

1 that the front seat passenger was skinny, light
2 complexion, dark hair, and wearing black jacket and red
3 hat?

4 A No, I don't remember saying that.

5 Q Okay. And do you remember telling the
6 officers at the hospital that the backseat passenger
7 was the shooter?

8 A There was two shooters.

9 Q You didn't tell the officers that though at
10 the hospital did you?

11 A I don't recall the hospital, I don't recall
12 where they interviewed me.

13 Q Okay. But you did say that the backseat
14 passenger was the shooter, right?

15 A There was two shooters.

16 MS. BONJEAN: That's not my question. My
17 question is you told the officers that the backseat
18 passenger was the shooter?

19 MS. STACK: Judge, I'm going to object.

20 THE COURT: All right. All right. Excuse me.
21 Excuse me. I think we're hung up on one word a shooter
22 or the shooter. Was one of the shooters, you said
23 there were two, was one of them the backseat passenger
24 if you remember?

1 THE WITNESS: If I remember correctly, yes.

2 THE COURT: All right.

3 MS. BONJEAN: And you told the police officers
4 that came and interviewed you at the hospital that he
5 was skinny, medium complexion, dark hair, clean
6 looking, correct?

7 MS. STACK: Judge, I'd ask all of these be
8 stricken because she's repeatedly said she doesn't
9 remember the hospital and she repeatedly said --

10 THE COURT: All right. She has her right to make
11 her record.

12 MS. STACK: But the witness has said that she
13 doesn't remember.

14 THE COURT: It's okay. I understand. She can
15 just continue to say that if that's her testimony.
16 Overruled.

17 MS. BONJEAN:

18 Q Do you remember saying that?

19 A I don't remember a lot of stuff.

20 Q Okay. Is it true Ms. Grande that you never
21 told anybody at the hospital that anyone had a long
22 face, a regular face, or a horsey face?

23 A I told the detective that, yes, I did.

24 Q Okay. We'll get to that in a second.

1 But you never tell told those officers at the police
2 station that, right? Strike that.

3 You never told those officers at the
4 hospital that, correct?

5 A I don't remember if I did or not at the
6 hospital.

7 MS. BONJEAN: Okay --

8 MS. STACK: Objection. Excuse me. She reflected
9 that she was with the police and that she doesn't
10 remember so asking her a specific questions about an
11 area that she's testified --

12 THE COURT: I understand. I see what the
13 scenario is, but she has the right to ask questions
14 that's why we're here. Finish your cross-examination,
15 please.

16 MS. BONJEAN: Thank you, your Honor.

17 Q Now, you also never described the
18 hairstyles to the police officers at the hospital,
19 correct?

20 A I don't remember.

21 Q You never told the police officers at the
22 hospital that the driver had short hair, correct?

23 A I don't remember.

24 Q And you never told the police officers at

1 the hospital that the guy in the backseat had long
2 hair, correct?

3 A The guy in the backseat did have long hair.

4 Q I know that's what you're saying, but you
5 never told the police officers that at the hospital?

6 A I don't know if I did at the hospital or
7 somewhere else.

8 Q Okay.

9 A But I did.

10 Q Right and then Detective Rivera came to
11 your house when you were released from the hospital on
12 September 5th, correct?

13 A I don't remember the date.

14 Q All right. And he brought six photos of
15 someone with short hair, right?

16 A I don't remember.

17 Q And he brought six photos with someone with
18 long hair, correct?

19 A I don't remember.

20 Q Prior to Detective Rivera coming to your
21 house to show you these photos had you spoken to him?

22 A No.

23 Q All right. Do you have any idea where he
24 got the idea where the driver had short hair.

1 THE COURT: Objection sustained. Objection
2 sustained.

3 MS. BONJEAN:

4 Q Now, you also didn't tell the police
5 officers at the police station -- Strike that. The
6 police officers at the hospital that there were two
7 shooters, did you?

8 A There were two shooters. There is two
9 shooters. If I said it at the hospital I don't
10 remember if I said it there. If I said it at the
11 police station I don't recall saying that.

12 Q All right.

13 A Where I said it.

14 Q Now, do you remember one of Mr. Almodovar's
15 prior attorney, not me, but a woman coming to visit you
16 at your work at a grocery store?

17 A No.

18 Q Okay. All right. Do you remember an
19 attorney coming to visit you on April 6, 1995, around
20 2:50 p.m. at the Jewel food store?

21 A At Jewel's somebody came there, yes.

22 Q All right. And do you remember speaking to
23 that woman at the Jewel store?

24 A I believe I did not speak to anyone.

1 Q Okay. What's your recollection of what was
2 said to her, and what she said to you?

3 A I didn't speak to anyone.

4 Q Okay. So you didn't tell her that while
5 you were in the hospital two cops came and showed you
6 six to nine photos and the cops said, "here are the
7 guys who did it?"

8 A No.

9 THE COURT: Can I know who the person is that you
10 said she was talking to?

11 MS. BONJEAN: Melinda Powers who already
12 testified in court, your Honor.

13 THE COURT: Okay. Got you. Thank you.

14 MS. BONJEAN:

15 Q Now, you didn't know Mr. Almodovar or Mr.
16 Negron prior to this incident, right?

17 A Never.

18 Q Never had any argument or conflict with
19 them, correct?

20 A No.

21 Q You didn't known them from any other
22 stranger on the street, right?

23 A No.

24 Q Now, after Detective Rivera came and

1 brought you those 12 photographs at your house after
2 you were released from the hospital, do you remember a
3 point in time later when you testified to where
4 Detective Rivera came and picked you up to bring you
5 for a lineup?

6 A Yes.

7 Q All right. And he brought you to the
8 police station, correct?

9 A Yes.

10 Q Was he with anybody? Was he with anybody
11 when he picked you up?

12 A I don't remember.

13 Q You don't remember anything about that, and
14 your brother went with you?

15 A Yes.

16 Q Was your brother an NLP?

17 A As far as I know, no.

18 Q Okay. How did your brother die?

19 A He's not dead. He just doesn't live in
20 this country.

21 MS. BONJEAN: My apologies. I thought that's
22 what you testified to it earlier. All right. Well,
23 where does he live?

24 MR. SMITKO: Objection, your Honor.

1 THE COURT: All right. She doesn't have to say
2 that. She said another country. That's enough.

3 MS. BONJEAN: Judge, how --

4 THE COURT: We don't need to know. Objection
5 sustained. You don't need to know what country he's
6 in. Ask another question.

7 MS. BONJEAN: I'd like to have him come testify,
8 and I'd like to have him come testify about what he
9 witnessed when he was at the lineup with Detective
10 Rivera.

11 THE COURT: Ask another question. Sustained.
12 Objection sustained. That's it.

13 MS. BONJEAN: All right. So he went with you
14 though to the lineup, correct? Do you need a break,
15 Ms. Grande? You can take a break.

16 THE COURT: She wants to get this done I think.

17 MS. BONJEAN: Well, I didn't put her on the
18 stand.

19 THE COURT: No, but let's just finish your
20 questions.

21 MS. BONJEAN: But she's crying. I would like for
22 her to take a break if she needs it.

23 THE COURT: She will tell me if she needs a
24 break. You'll let me know.

1 THE WITNESS: I don't want to be here, your
2 Honor.

3 THE COURT: I know, I know. But they have a
4 right to ask you some questions, and I want to get this
5 over sooner rather than later.

6 MR. AINSWORTH: And on behalf of Mr. Negron I
7 also have -- the witness --

8 THE COURT: Yeah, I understand. That's okay.
9 That's fine with me right now. If you need a break you
10 let me know. Go ahead. Ask some more questions.

11 MS. BONJEAN:

12 Q Okay. Ms. Grande, you drove in Detective
13 Rivera's car along with your brother to go view a
14 lineup, right?

15 A Yes.

16 Q And on the way you picked up Kennelly Saez,
17 isn't that correct?

18 A Yes.

19 Q And the four of you drove to Area Five,
20 Grand and Central, is that right?

21 A I don't know the address of the place.

22 Q All right. You drove to a police station
23 where you viewed a lineup, right?

24 A Yes.

1 Q Now, you have no idea whether Kennelly Saez
2 had any interaction with Detective Rivera before that
3 day, right?

4 A I don't know his life.

5 MS. BONJEAN: No, of course you don't. I agree,
6 you wouldn't know, right?

7 THE COURT: She said that.

8 MS. BONJEAN:

9 Q Ms. Stack said to you didn't observe
10 Detective Rivera engage in any misconduct with Kennelly
11 Saez, do you remember her asking you those questions?

12 A Yes.

13 Q Okay. And I take your testimony or your
14 word. You weren't with Ms. Saez repeatedly from the
15 incident from September 1, 1994 to when you went to the
16 police station with him to view a lineup, correct?

17 A Correct.

18 Q You have no idea how many conversations Mr.
19 Saez may have had with Detective Rivera, correct?

20 A Correct.

21 MS. BONJEAN: You know don't know whether
22 Detective Rivera went to Mr. Saez's house and said his
23 the guy, right?

24 THE COURT: She has no idea if anything happened

1 there.

2 MS. BONJEAN: Sorry.

3 THE COURT: Let's move on.

4 MS. BONJEAN:

5 Q So the four of you did go to the police
6 station together, and in fact, you and Mr. Saez looked
7 at the exact same lineup, right?

8 A At separate times.

9 MS. BONJEAN: At separate what?

10 THE COURT: At separate times she said.

11 MS. BONJEAN: At separate times. Okay.

12 Q So do you remember who went first?

13 A No.

14 Q Okay. Did you have any conversation with
15 Mr. Saez during the period of time when were you at the
16 police station at any point?

17 A I don't recall.

18 Q You do remember just not being in the same
19 viewing room with him, is that what you're testifying
20 to?

21 A I believe so.

22 Q But you don't remember completely?

23 A I don't think we were together.

24 Q All right. Do you remember speaking to him

1 after you viewed the lineup?

2 A I don't remember.

3 Q Okay. Do you remember how you got home?

4 A The detective dropped me off.

5 Q Okay. Do you remember if Mr. Saez was in

6 the car with you when you went home?

7 A I don't --

8 Q You don't recall?

9 A Not to my house, no.

10 Q I could be mistaken, but I thought you

11 testified in response to Ms. Stack's question that no

12 one ever showed you photographs before the lineup?

13 A I'm sorry.

14 MS. BONJEAN: I thought you testified --

15 THE COURT: I think it's a little confusing.

16 Just ask her a question, not what she said earlier.

17 Just ask her a straight question.

18 MS. BONJEAN: Well, I can't go back. She changed

19 her testimony on direct and cross.

20 THE COURT: I know. Just ask a question.

21 MS. BONJEAN:

22 Q So you would agree that you did actually

23 look at photographs on at least two occasions prior to

24 reviewing this lineup?

1 A I don't remember.

2 MS. STACK: Your Honor, the accusation against
3 Rivera and Kennelly Saez is that when they stopped to
4 pick him up they

5 MS. BONJEAN: Objection. She's coaching the
6 witness.

7 THE COURT: Just a second. Just a second. Stop
8 it. She has a right to ask these questions.

9 MS. STACK: But it's confusing.

10 MS. BONJEAN: You're the only one confused.

11 THE COURT: I'm here watching. Stop it.
12 Objection is overruled. Finish your are Cross, please.

13 MS. BONJEAN:

14 Q Did you speak to an Assistant State's
15 Attorney Faraci, F-a-r-a-c-i, when in and around the
16 time that you were being questioned by Detective
17 Rivera?

18 A I don't remember.

19 Q Well, let me phrase it this way. After you
20 returned from the hospital okay before you came and
21 testified in court, were you interviewed, or do you
22 remember being interviewed by an Assistant State's
23 Attorney F-a-r-a-c-i, Faraci or Farachi?

24 A I don't remember.

1 Q Okay. Now, do you remember me coming to
2 visit you in Vancouver, Washington, was it me or
3 somebody else you were referring to about a year ago?

4 A I don't know who came over.

5 Q Well, can you describe the person that came
6 over just about a year ago?

7 A Short, skinny.

8 Q Woman?

9 A Yeah, and some guy.

10 MS. BONJEAN: Okay. What color hair did the
11 woman have?

12 THE COURT: Ms. Bonjean, was it you?

13 MS. BONJEAN: I don't know who she's referring
14 to.

15 THE COURT: Well, you asked her was it me and so
16 I'm asking you was it?

17 MS. BONJEAN: Absolutely not. That's not what --
18 and I am not on the witness stand.

19 THE COURT: No you're --

20 MS. BONJEAN: I am able to ask her about who the
21 agents --

22 THE COURT: I'm asking you a simple question. If
23 it's you, I'm asking if it's you?

24 MS. BONJEAN: I'm not answering that question.

1 THE COURT: It's a secret?

2 MS. BONJEAN: I have no idea who she's referring
3 to.

4 THE COURT: Well, then ask her a different
5 question, and don't confuse the witness, and don't play
6 games with the record. When you suggest it's you, but
7 then your being coy about it. Just ask the question.

8 MS. BONJEAN: I'm not being coy. Ms. Grande, you
9 said agents and that's right after you asked Ms.
10 Celeste Stack to lay a foundation. You said agents or
11 she said agents --

12 THE COURT: Just ask the question.

13 MS. BONJEAN:

14 Q Of Mr. Almodovar and Mr. Negrón came to
15 visit you on at least four occasions, is that right?

16 A Yes.

17 Q Okay. And Ms. Celeste Stack elicited from
18 you that less than a year ago was one person that came
19 to visit you, correct?

20 A Yes.

21 Q Was that woman's name Melissa Sabora, do
22 you remember that?

23 A I didn't remember the name, I didn't ask
24 who it was, I didn't care who it was.

1 Q Was she a white woman or a Latino woman?
2 A I believe white.
3 Q Okay. And was she with a man or a woman?
4 A A man.
5 Q Okay. Can you describe how old she was?
6 A No.
7 Q Okay. You don't have recollection.
8 A Fairly young.
9 Q I'm sorry?
10 A Fairly young person, I don't know.
11 Q Okay. But you can't say whether it was me
12 or not?
13 A You look like her.
14 Q Okay. But you can't say if it was me or
15 not?
16 A Because she was wearing jeans, regular
17 clothes, and she wasn't dressed up.
18 MS. BONJEAN: Give me one second, please.
19 Q Ms. Grande, the only moneys received from
20 the State were for your transportation here today and
21 your family's transportation?
22 A Yes.
23 Q Okay. Are they paying for you to stay here
24 like for your accommodations or lodging?

1 A No.

2 Q Okay. And no other compensations received
3 from the State?

4 A No.

5 Q Have you ever received any compensations
6 from the State before today?

7 A No.

8 Q Any other benefits, it can be in any form,
9 any type of monetary benefits or anything that might be
10 material that you can think of?

11 A No.

12 MS. BONJEAN: I have nothing further.

13 THE COURT: Do you want to adopt that?

14 MR. AINSWORTH: I would like to adopt Ms.
15 Bonjean's examination and I have some as well.

16 THE COURT: Go ahead.

17 CROSS-EXAMINATION

18 BY MR. AINSWORTH:

19 Q Ma'am, just to follow-up on that the last
20 point about the person who came to visit you. That
21 person didn't claim that they represented either Mr.
22 Negron or Mr. Almodovar, is that right?

23 A She said this case that it is very
24 sensitive, something along the way. She did say she

1 was on the defendant's side.

2 Q What did she state about that, tell what
3 she said about that?

4 A She just said that she wanted to know if I
5 could speak and as soon as she told me what she was
6 there for I told her, no, I didn't speak to anyone.

7 Q No, no, what did she say about being --

8 A I don't remember what she said.

9 Q What did she say about being there on
10 behalf of -- did she say she was actually there on
11 behalf of either Mr. Negron or Mr. Almodovar?

12 A I believe so, I believe she said that she
13 was on behalf of the defendant.

14 Q Did she say she was investigating Guevara?

15 A I don't recall.

16 Q All right. Did she say that she was
17 writing a story about people who had victimized by
18 Detective Guevara?

19 A No.

20 Q Did she say that she had knowledge about
21 Guevara and other cases --

22 A I didn't speak to her, I didn't sit there
23 and have a conversation with this person.

24 Q Did she give you a card?

1 A No.

2 Q Do you remember about two years ago me
3 coming to see you?

4 A No.

5 Q Do you remember talking in your doorway for
6 maybe about three minutes, if that?

7 A Was that you that put your foot on my door
8 and wouldn't leave.

9 Q Probably not. Was it -- do you remember
10 talking with me and then you said that you didn't want
11 to talk to me and so then I left, and I was there with
12 another portly gentleman?

13 A That was you, you were pushing my door.
14 You were telling me innocent --

15 Q What was I telling you?

16 A That innocent people were in jail or
17 something and you wouldn't leave. Was that you?

18 MR. AINSWORTH: I did come to your house. I'm
19 sure that I said that there are innocent people in
20 jail. Ma'am, did I leave your home when you said that
21 you didn't want to speak to me?

22 THE COURT: All right. You're not on trial.

23 MR. AINSWORTH: I'm just asking.

24 THE COURT: It's okay.

1 THE WITNESS: When my husband came and asked you
2 to leave.

3 MR. AINSWORTH:

4 Q And did I leave then, and did I tell you
5 who I was and who I represented?

6 A Did you try to give me a card and I
7 wouldn't take it?

8 Q Yeah, and I tried to give you my card and I
9 told you who I was, and I told you who I represented,
10 right?

11 A I believe so if that was you.

12 Q I didn't try and pretend I was somebody
13 else, right?

14 A Right.

15 Q I want to ask you about that time that you
16 were in the hospital, ma'am. I want to see if I can
17 refresh your recollection because I think it was --
18 would you agree when you were at the hospital this was
19 before you had seen any photographs, or before you had
20 identified anybody as being the perpetrator, right,
21 when you got to the hospital?

22 A Can you say that again?

23 Q Sure. When you first spoke to the police
24 at the hospital you were trying to do your best to

1 catch the people who had killed your best friend,
2 right?

3 A I wasn't thinking like that. I had just
4 lost my best friend, I nearly lost my life and somebody
5 else lost their life. I don't recall thinking I'm
6 going to point out point people.

7 Q Ma'am, you answered the detective's
8 question. There was a Detective Dombrowski who spoke
9 to you?

10 A Okay.

11 Q All right. Ma'am, did you tell the
12 detective that Amy Marcus came over to your house
13 earlier that evening?

14 A I don't recall.

15 Q But that's true right, Amy did come over to
16 your house, right?

17 A We met at my house.

18 Q And then Amy asked you to accompany her
19 over to her boyfriend's Kennelly's house, right?

20 A Correct.

21 Q And that's what happened, right?

22 A Yes.

23 Q And did you tell the detective that?

24 A I don't recall, but I'm sure I did.

1 Q All right. And did you tell the detective
2 that first you declined to go to her boyfriend's house
3 and then you agreed to accompany Amy to Kennelly's
4 house?

5 A Yeah.

6 Q And when you got to Kennelly's house you --
7 Strike that.

8 Did you tell the detective that when you
9 got to Kennelly's house, you, Amy, Kennelly, and Jorge
10 sat on the front stoop of the building?

11 A That's what we did, correct.

12 Q And you told the detective that, right?

13 A I'm sure I did.

14 Q And you told the detective about Kennelly
15 giving up and saying he'll find out who the people are
16 in the car, right?

17 A Yes.

18 Q And that he started walking towards the
19 car, right?

20 A Yes.

21 Q And that's what you told the detective?

22 A I'm sure I did.

23 Q And you told the detective that as Kennelly
24 started walking towards the car the backseat passenger

1 started shooting, right?

2 A As far as I recall, yes.

3 Q All right. And then you gave descriptions
4 of the three occupants of that car, right?

5 A I didn't see the third person. There was a
6 third person there.

7 Q The front seat passenger?

8 A I couldn't see that face.

9 MR. AINSWORTH: The front seat passenger. You
10 described the face of the front seat passenger to
11 Detective Dombrowski on September 1, 1994, right?

12 MS. STACK: Objection, Judge.

13 THE COURT: She may answer if she remembers, or
14 if she, or yes or no if she recalls it.

15 THE WITNESS: I don't know where I said it or who
16 I spoke to.

17 MR. AINSWORTH:

18 Q But at some point --

19 A But I did give a statement

20 Q Okay. You told Detective Dombrowski that
21 the front seat passenger had a long face, right?

22 A I don't recall.

23 Q And we'll agree that the front seat
24 passenger that wasn't anybody who you identified out of

1 either a photograph, or at trial, or out of a lineup,
2 right?

3 A I don't remember.

4 Q You identified according to the driver and
5 the backseat passenger of the car, right?

6 A Correct.

7 Q And they're both in the driver's seat,
8 right?

9 A Yes.

10 Q And you told Detective Dombrowski on
11 September 1, 1994, that the front seat passenger had a
12 long face, right?

13 A I don't recall.

14 MR. AINSWORTH: Let me see if this will refresh
15 your recollection, ma'am. I'm going to show you a
16 report prepared by Detective Rutherford and McDonald on
17 September 1, 1994.

18 MS. STACK: Objection.

19 THE COURT: Hold on. No, no, you got to ask her
20 if a detective's report will refresh her recollection.

21 MR. AINSWORTH:

22 Q Ma'am, would reviewing the report that
23 Detective Dombrowski's conversation with you at the
24 hospital help you remember that conversation with

1 Detective Dombrowski at the hospital?

2 A Okay.

3 MS. STACK: Judge, I'm going to object. She
4 didn't write the report.

5 THE COURT: Overruled. For what it's worth. Go
6 ahead.

7 MR. AINSWORTH: All right. Ma'am. And I'm
8 sorry. May I approach, your Honor.

9 THE COURT: Yes, Russell.

10 MR. AINSWORTH: Thank you, Judge. So I don't
11 want to -- I'm just going to direct you, ma'am, to --
12 would you, please, review -- and I'm directing the
13 witness to the middle --

14 THE COURT: Show her what you to read, what you
15 want her to read. Just show her exactly.

16 MR. AINSWORTH: Sure.

17 THE COURT: And then the question, ma'am, is does
18 this help you remember what you said at the time?

19 MR. AINSWORTH:

20 Q All right. So starting with the word the
21 thus, there and just read the rest of that paragraph if
22 you would.

23 And just let us know when you've had an
24 opportunity to read it. Have you had an opportunity to

1 read that, ma'am?

2 A Yes, and I don't recall.

3 Q Let me just ask the question. Does that
4 refresh your recollection that you described the face
5 of the front passenger as being long and thin?

6 A No.

7 Q Ma'am, do you recall that you described the
8 driver and the rear seat passenger to Detective
9 Dombrowski as well, right?

10 A I don't remember.

11 Q Ma'am, do you recall giving the following
12 descriptions to Detective Dombrowski of the driver and
13 the rear seat passenger?

14 You told Detective Dombrowski that the
15 driver was tall and skinny, light complexion with dark
16 hair?

17 A I don't remember.

18 Q Do you recall that you did not describe the
19 shape of the driver's face in any way?

20 A I believe I did.

21 Q You believe. Okay. Do you recall telling
22 Detective Dombrowski that the backseat passenger was
23 described as a skinny male with medium complexion skin
24 with dark hair cleanly.

1 A No, I don't remember.

2 Q Do you remember that you did not describe
3 the shape of the backseat passenger's face in any way?

4 A I described both of their faces. I don't
5 remember when or to who.

6 Q Did you purposely withhold from Detective
7 Dombrowski when he questioned you about what you had
8 done earlier that day and you told him about Amy coming
9 over and going to Kennelly's house, did you
10 purposefully withhold any aspect of the description of
11 the offenders from that detective?

12 A I don't recall.

13 Q Were you trying to, you know, hide who the
14 perpetrators were so you could seek street justice or
15 something like that?

16 A No.

17 Q Now, you didn't really know Kennelly,
18 right?

19 A Correct.

20 Q Amy was your best friend?

21 A Yes.

22 Q She had just recently started dating
23 Kennelly?

24 A I guess.

1 Q She was your best friend, right?

2 A Yes.

3 Q You didn't have a real relationship with

4 Kennelly?

5 A We had a friendship relationship.

6 Q Okay.

7 A I mean I met him with Amy.

8 Q All right. But you only knew him through

9 her?

10 A Correct.

11 Q So when Detective Rivera picked up Kennelly

12 and he got into the car with you, you and Kennelly

13 didn't have a whole lot to talk about, right?

14 A Correct.

15 Q Your common thread in that car ride to Area

16 Five to the police station was Detective Rivera, right?

17 A He's the one that took us.

18 Q He's the one that took you. Okay. So

19 while you're driving to the police station you haven't

20 had a whole lot of experience with the criminal justice

21 system at this time when you were twenty years old,

22 right?

23 A Of course not.

24 Q You didn't really know what the lineup

1 procedure was, right?

2 A Correct.

3 MR. AINSWORTH: So you're asking Detective Rivera
4 during that ride to the police station about what a
5 lineup was, right?

6 MS. STACK: Objection, Judge. She hasn't
7 testified.

8 THE COURT: He's asking did you ask him that.

9 THE WITNESS: I don't recall asking him.

10 MR. AINSWORTH:

11 Q Okay. But Detective Guevara did explain
12 what a lineup procedure was, right?

13 A I don't remember.

14 Q Let me see if I can refresh your
15 recollection. This is from Page 60 of the testimony
16 from your trial, line 8.

17 Question: And when you went there did you
18 look at something?

19 Answer: Yes, I did.

20 Question: What did you look at?

21 Answer: First you have to explain to me
22 what the lineup was because I didn't know what that
23 was, and he told me it was a group of guys that they
24 bring out, and that I see through a window that they

1 are not able to see me, but I can see them. And he
2 took me and I didn't want to do it because I was scared
3 they were going to see me.

4 Q Does that refresh your recollection, ma'am,
5 that Detective Guevara explained the lineup process to
6 you?

7 A I would say, yes.

8 Q And when Detective Guevara picked you up to
9 go to the lineup, he told you that they had picked some
10 people up and they wanted you to look at the lineup to
11 see if you see if you could identify the perpetrators,
12 right?

13 A He might have, I don't remember.

14 Q Does that sound -- well, it's fair to say
15 you don't remember the exact words he used, right?

16 A Correct.

17 MR. AINSWORTH: But did he something to you along
18 the lines of we picked some people up, and we'd like
19 you to view a lineup to see if we got the right people?

20 MS. STACK: Objection. Asked and answered.

21 THE COURT: She can answer. Do you remember?

22 THE WITNESS: I don't remember.

23 THE COURT: Okay. She doesn't remember.

24 MR. AINSWORTH:

1 Q You were talking about the lineup on the
2 way to the police station, right?

3 A I don't remember.

4 Q Do you remember anything that you were
5 talking about?

6 A No.

7 Q Is it fair to say that this was the most
8 traumatic experience of your life, that shooting
9 happening?

10 A Yes.

11 Q It was an extremely stressful situation?

12 A Correct.

13 MR. AINSWORTH: When the shots were fired you
14 immediately had a billion things going through your
15 head about -- you were worried about your own safety
16 right?

17 MS. STACK: Objection, Judge, compound question.

18 THE COURT: Break it down.

19 MS. AINSWORTH:

20 Q All right. When the shots were fired you
21 worried about your own safety, right?

22 A Of course, I guess.

23 Q You were worried about Amy's safety?

24 A Yes.

1 Q You were worried about the safety of your
2 friends, right?

3 A Yes.

4 Q And you were looking for an escape route
5 when the shots started firing, right?

6 A Yes.

7 Q And you turned and you ran as fast as you
8 could to get to the front door of that building, right?

9 A Yes.

10 Q Because that is what you viewed as safety
11 to get inside and away from the people who were
12 shooting, right?

13 A Correct.

14 Q When the shots started firing you did not
15 stop to look at the people who were shooting, right?

16 A I saw them prior to that.

17 Q Right. You did not stop and look at them
18 when the shots started firing, right?

19 A I saw their faces.

20 Q Ma'am, when the shots were fired you did
21 not stop, turn to look at the people who were shooting?

22 A I don't remember if I did or not, but I saw
23 their faces.

24 MR. AINSWORTH: The only thing that you saw when

1 the shots started firing was flashes coming out of the
2 car, right?

3 MS. STACK: Objection, Judge, to form question,
4 Judge. She hasn't testified before that she saw those
5 things.

6 THE COURT: He can touch on this a little more if
7 he likes. She's indicating that she saw their faces.
8 He's talking about the sequence like the exact sequence
9 of seconds.

10 MS. STACK: The question was the only thing you
11 saw --

12 THE COURT: Go ahead. Ask a different question,
13 please.

14 MR. AINSWORTH:

15 Q When the shots were fired the only thing
16 you saw from that car was the flashes of the gun being
17 discharged?

18 A I don't remember.

19 Q It's been a long time and there's a lot you
20 don't remember about this case that's fair to say,
21 right?

22 A Correct.

23 Q Did you do anything to refresh your
24 recollection before you came here to testify such as

1 looking at transcripts?

2 A I browsed through it. I don't want to read
3 that. I don't want to know anything about it.

4 Q So you've seen your trial testimony before
5 you came here to testify, right?

6 A I received it at home, but I didn't sit
7 down and study it or read it.

8 Q Briefly you had it available to you?

9 A Yes.

10 Q And do you have other transcripts apart
11 from your trial testimony available to you?

12 A Just whatever papers I received.

13 Q Did you see any photographs you know in the
14 last couple of months of the scene or any people?

15 A No.

16 Q Since 1995 you know that the Illinois
17 Department of Corrections has a website, right?

18 A I don't know that.

19 Q Have you gone to the website to look at
20 either Mr. Negrón or Mr. Almodovar's photographs on the
21 website?

22 A Which website?

23 Q The Illinois Department of Corrections
24 Website?

1 A I did once.

2 Q And so you have been to that website and
3 you've look at the photographs of the people who are
4 currently incarcerated for this crime?

5 A Yes.

6 MR. AINSWORTH: In the late 1990's you went to
7 visit somebody at Stateville Penitentiary, right?

8 MS. STACK: Objection.

9 THE COURT: Tighten that up a little bit. Who?

10 MR. AINSWORTH: Well, let's find out if she --

11 MS. STACK: It's beyond the scope, your Honor.

12 MR. AINSWORTH: It's not beyond the scope.

13 THE COURT: Just a second. Just a second. No,
14 no. Stop it. Stop it. Just help the witness. You're
15 talking about in the late 1990's, who are you asking if
16 she visited?

17 MR. AINSWORTH: Did you go to the prison in
18 Stateville Penitentiary? You know there are visitor
19 logs at Stateville Penitentiary.

20 THE COURT: Mr. Ainsworth, I'm telling you if you
21 want to ask this question you got to tell -- part of
22 the question has to be who she went to visit?

23 MR. AINSWORTH:

24 Q Did you visit a guy named Curly in the late

1 1990's at Stateville Penitentiary?

2 A No.

3 MR. AINSWORTH: Do you know a guy named Curly at
4 the Stateville Penitentiary?

5 MS. STACK: Objection.

6 THE COURT: Overruled.

7 THE WITNESS: No.

8 MR. AINSWORTH:

9 Q Have you ever been to Stateville
10 Penitentiary?

11 A No, I don't even know where that's at. I
12 don't know where it is.

13 Q Have you ever been -- all right. Have you
14 ever been to any Illinois Department of Corrections
15 facility any prison in Illinois?

16 A No.

17 Q You know that Kennelly was a Maniac Latin
18 Disciple, right?

19 A I don't know.

20 Q Jorge was a Maniac Latin Disciple?

21 A I don't know.

22 Q All right. Back on September 1, 1994, when
23 you're hanging out on the stoop, you were a young adult
24 then, right?

1 A Yes.

2 Q People were smoking marijuana on that

3 stoop?

4 A I don't recall.

5 Q That was something that you and your

6 friends would do from time to time back then?

7 A No.

8 Q Kennelly Saez was smoking marijuana on that

9 stoop?

10 A I don't remember.

11 Q Jorge Rodriguez was smoking marijuana on

12 that stoop?

13 A I don't remember if he did or not.

14 MR. AINSWORTH: All things being equal if you had

15 your way you'd rather had gotten it right when you

16 testified --

17 THE COURT: Objection sustained. It's sustained,

18 Don't answer that. Sustained. Sustained.

19 MR. AINSWORTH: Well it goes to bias.

20 THE COURT: Sustained.

21 MR. AINSWORTH: It goes to bias.

22 THE COURT: Thank you. Sustained.

23 MR. AINSWORTH: You would like to think that you

24 had testified falsely.

1 THE COURT: Sustained. Sustained. Sustained.
2 MS. STACK: Objection.
3 THE COURT: No, no, no. Sustained.
4 MS. AINSWORTH: It goes to the her -- the
5 witness's bias.
6 THE COURT: Thank you. Sustained.
7 MR. AINSWORTH: You're a nice person.
8 MS. STACK: Objection, Judge.
9 THE COURT: Ask a question.
10 MS. STACK: To form of the question.
11 MR. AINSWORTH: You would like to see justice
12 done --
13 MS. STACK: Objection.
14 THE COURT: All right. All right. Sustained.
15 Look, look, we're getting way beyond -- we're getting
16 into matters that are very subjective and the objection
17 is sustained. Sustained. If you have other questions,
18 factual questions about this you're welcome to.
19 MR. AINSWORTH: What happened to any question
20 about bias --
21 THE COURT: Mr. Ainsworth, I don't want to argue
22 you with, please. If you have other questions ask
23 questions, no arguments. Ask the witness questions if
24 you have them.

1 MR. AINSWORTH: One moment, your Honor.

2 THE COURT: Sure.

3 MR. AINSWORTH: I have no further questions, your
4 Honor.

5 THE COURT: Ms. Stack, any redirect?

6 MS. STACK: One second, your Honor. Jackie,
7 thank you.

8 THE COURT: Okay. You're all done.

9 (Witness excused.)

10 Lawyers approach, please, Mr. Negron you come up too.

11 MR. AINSWORTH: Actually, your Honor, I want to
12 make the record clear. It's been a long day for the
13 court reporter. There is that time when the Court
14 stated for the record that Mr. Negron, who the witness
15 had identified for the witness, and I just want the
16 record to be clear that the Court did say his full
17 name --

18 THE COURT: The word Negron did come out of my
19 mouth. Of course, that's the record and I don't deny
20 it because that's what she did. She identified him, he
21 was the only one here.

22 MR. AINSWORTH: The question was do you see
23 anybody who you had previously identified and she said
24 yes?

1 THE COURT: Right and it was Mr. Negron.

2 MR. AINSWORTH: But --

3 MS. BONJEAN: But it could have been Mr.
4 Almodovar. She identified a complete stranger in the
5 gallery.

6 THE COURT: Okay. Okay. All right. I
7 understand your point but, yes, I acknowledge what I
8 said.

9 MR. AINSWORTH: He looks like my cousin Vinny.

10 THE COURT: No, it's not exactly like that.

11 MR. AINSWORTH: Yes, it is.

12 THE COURT: Hardly. Anything else? Are we done
13 for today?

14 MR. AINSWORTH: There are apparently no other
15 witnesses.

16 THE COURT: All right. When would the parties
17 like to come back? May we go off the record to just
18 talk about scheduling, madam court reporter, for that
19 part.

20 (Off the record.)

21 MS. STACK: Your Honor, I've got a couple more
22 witnesses and I've got one or two other dates in like
23 December that week of the 12th - 13th.

24 MR. AINSWORTH: So if the State's got witnesses

1 then tell us who they are. And then we have like a
2 universe so we can prepare and then if we have
3 objections to those calling we can then raise those
4 objections. All right. So I am going to put that on
5 the record.

6 THE COURT: I'm going to grant that because both
7 sides are going to do the same thing. So if you have
8 any other submissions I think we're --

9 MS. BONJEAN: We are going to have a robust
10 rebuttal case so --

11 MR. AINSWORTH: Are we back on, your Honor?

12 MS. BONJEAN: Yes.

13 THE COURT: No, first talk about scheduling and
14 then we will spread that on record. Just tell me --

15 MR. AINSWORTH: I thought we were set on November
16 30th.

17 (Back on the record.)

18 THE COURT: We're back on the record. The matter
19 is commenced and continued. We'll have additional
20 evidence on November 30th of this year. Do you think,
21 Ms. Bonjean, do you want to have your client here?

22 MS. BONJEAN: If he wishes to be here I will have
23 him here. If he wishes to waive to waive I will waive.

24 THE COURT: Okay. I understand he's in some

1 discomfort that you're telling me about so you don't
2 want us to issue a writ at this point?

3 MS. BONJEAN: No.

4 THE COURT: And you will give us -- we need at
5 least ten days if he wants to be here.

6 MR. AINSWORTH: We'd like Mr. Negrón writted.

7 THE COURT: He'll be here.

8 MR. AINSWORTH: Thank you.

9 THE COURT: Okay.

10 MR. AINSWORTH: We also request, Judge --

11 THE COURT: All right. I'm going to ask what do
12 you anticipate witness wise on November 30th, and then
13 I want to know what you anticipate and what you call
14 your robust rebuttal who that includes.

15 MS. BONJEAN: Sure. I'm ready to go.

16 THE COURT: Go ahead.

17 MR. AINSWORTH: Well, let's see what the State
18 has.

19 THE COURT: Let me hear them both.

20 MS. STACK: Well, you know what, I don't have my
21 notes here. This has been spread out over a year and a
22 half.

23 THE COURT: Okay.

24 MS. STACK: There's comments in the record.

1 There's documents that went in and that didn't go in
2 and I'm not prepared to --

3 THE COURT: All right. So you're not sure.
4 Okay.

5 MS. STACK: Can I please make my record.

6 THE COURT: Yes.

7 MS. STACK: I have filed two written Motions for
8 discovery and never gotten anything, I had to get a
9 written order, your Honor, so that they would give me
10 the names of their witnesses three days in advance with
11 discovery because they have thousands of documents.

12 So it has been a crap shoot the whole time
13 through their case, I would get a list of witnesses and
14 who actually showed was a totally different thing and,
15 but the point is the reason why we ask for a relevancy
16 hearing comes from the Illinois Supreme Court Case of
17 Patterson because the cases they're admitting are
18 unrelated, collateral cases, and the Supreme Court said
19 that you, your Honor, should make a determination
20 before allowing someone a witness from another murder
21 case to come to court.

22 That you should make a determination
23 whether they are highly similar, close in time, and
24 involve the same officers. And when they came in and

1 said they had 40 other people they wanted to call from
2 totally unrelated cases, I cited Patterson and said we
3 needed to have a relevancy hearing to determine whether
4 404B collateral bad acts witnesses, and it's in the
5 Illinois Rules of Evidence and the Federal Rules of
6 Evidence as well, that they were actually relevant to
7 the claim that's made against Guevara here. That's why
8 I asked for a relevancy hearing.

9 In the PC hearings, we don't ask that every
10 witness and that every person on either side wants to
11 call, of course they have to give relevant testimony,
12 but we don't demand relevancy hearings or ask for them
13 unless they're the opposite side, the Petitioners are
14 -- you know it's the truth.

15 MS. BONJEAN: No, Ms. Stack should read the
16 decision of People vs. Serrano, People vs. Montez when
17 the Appellate Court chastised her for filing a piece of
18 garbage.

19 THE COURT: Everybody calm down. Calm down.
20 Stop. Stop.

21 MS. BONJEAN: And where they reiterated --

22 THE COURT: Stop. Would you stop. Would you
23 stop.

24 MS. STACK: Which is anything then --

1 THE COURT: Stop it. The court reporter can't
2 take it down. You talk over people all the time.

3 MS. BONJEAN: You don't let me make a record so I
4 have to talk over people. --

5 THE COURT: You talk over people all of the time.

6 MS. BONJEAN: You don't let me make a record, and
7 I'm about to --

8 THE COURT: I'm about to you cited. You're about
9 to get yourself cited. And that's the last thing I
10 want to do. I've never held a lawyer in contempt of
11 court, but you're already past that line. I'm
12 restraining myself. I just want to finish this case
13 despite you.

14 MR. AINSWORTH: What I want is a list of
15 witnesses from the State. I want just like we had to
16 prepare a list of witnesses so that we have objections
17 to the State's witnesses --

18 THE COURT: Okay. All right. All right.
19 Everybody, take a breath. This is what we're going to
20 do. I'll have Mr. Negron back here because we're not
21 going to have testimony on the 30th. You pick a day if
22 it's all right, you're welcome to come, or you can have
23 him talk for you, Mr. Ainsworth I mean. We're just
24 going to come in and have a discussion about which

1 witnesses. She says that she doesn't her notes with
2 her today so I'm not going to have her commit to names
3 without notes.

4 You've indicated, Ms. Bonjean, indicated
5 she had what she called a robust case rebuttal so I'd
6 like those names also, and I will give you both time to
7 organize that. So you tell me a good date for you, and
8 Ms. Bonjean, I know you're out of town if you can't
9 make it, if it's all right with you Mr. Ainsworth can
10 handle that part otherwise you can come in yourself.

11 Just give me a date without Mr. Negron's
12 presence to come here and just talk about the scope of
13 the hearing, what witnesses you have in mind, and I'll
14 sort that out for you. A date before the 30th, please.
15 Give yourselves sufficient time.

16 MS. BONJEAN: You're not here the week of
17 November 14th, Judge.

18 THE COURT: I'm gone. I'm thinking next week or
19 maybe the 22nd.

20 MR. BONJEAN: Judge, what about next week on
21 Novemeber 9th.

22 THE COURT: I'm okay that. Ms. Stack, are you
23 okay to come in on the 9th just to talk about
24 scheduling?

1 MS. STACK: You know what I had planned to work
2 on briefs I had to do and various --

3 THE COURT: I know. I feel the same. I really
4 want to get this case done.

5 MS. STACK: But you know what, that's fine.

6 MS. BONJEAN: If we could do it though, Judge,
7 because I have a deposition at 11:00 so we could do it
8 at nine.

9 THE COURT: No, we will do it after your
10 deposition. Come when your deposition is over. It
11 will be in the afternoon.

12 MS. BONJEAN: Okay.

13 MS. STACK: Please, Judge.

14 MS. BONJEAN: I mean I didn't realize it was to
15 much to have to start before 11:00, but I will come
16 after the deposition. It makes no difference to me.

17 THE COURT: Look I have a full docket. I have
18 lots of lawyers that need to have court time and
19 litigants. I have a full docket on the 9th. I will do
20 this on the 9th, and I'll assure that I will be here
21 later in the day so I will give you time after your
22 deposition if you prefer.

23 MR. AINSWORTH: So why don't we just submit a
24 list of witnesses. You know I don't know we have to

1 come in.

2 THE COURT: I would like you to come in because I
3 think I'd just like to have you come in. The 8th is a
4 much better day for this Court I can assure you.

5 MS. BONJEAN: I have no vote in New York.

6 MS. STACK: Judge, how about if we submitted it
7 in writing, we argue about it on the 30th. We can
8 argue about the rest of the witnesses on the 30th.

9 MS. BONJEAN: I can be here November 10th in the
10 morning if that's easier.

11 THE COURT: How's that for you Mr. Ainsworth?

12 MR. AINSWORTH: Let's do that.

13 THE COURT: All right. That's better for me too.
14 November 10th and Mr. Negron's writ will not be
15 continued on the 10th. We will start it up again on
16 the 30th -- on the 10th we'll just issue his writ for
17 the 30th. Okay.

18 MS. AINSWORTH: May his mother approach.

19 THE COURT: Yes.

20 THE COURT: Okay. We're adjourned. He can hug
21 his mom for a quick second.

22 MS. STACK: And that's for both sides, right
23 Judge?

24 THE COURT: Right. Submit your list, please,

1 come back on the 30th.

2 (Whereupon this was all
3 the proceedings at the
4 above-entitled cause.)

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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
4 CRIMINAL DEPARTMENT/CRIMINAL DIVISION

5 I, PEGGY CRADDIETH, Official Court Reporter of the
6 Circuit Court of Cook County, Criminal Division, do hereby
7 certify that I reported in shorthand the proceedings had on
8 the trial of the above-entitled cause; that I thereafter
9 caused to be transcribed into typewriting the above Report
10 of Proceedings which I hereby certify is a true and correct
11 transcript of the proceedings had on the hearing of the
12 defendant before the Honorable JAMES LINN.

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18 Peggy Craddieth, CSR, RPR
Official Court Reporter

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20 Dated this 13th day of
August 2019.

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